HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No.26798 OF 2007

DATE: 26.12.2007

Between:

Nollu Polayya

..... PETITIONER

AND

The Superintendent of Police,
Visakhapatnam & 3 others.

.....RESPONDENTS

HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No.26798 OF 2007

ORDER: (Per Hon'ble Sri Justice A.Gopal Reddy)

The telegram dated 08.12.2007 sent by the petitioner to the Hon'ble Chief Justice alleging that 91 women and 85 men of Fish-folk of displaced persons of Dibbapalem Village have been illegally detained by the police of Gajuwaka since 07.12.2007 and apprehending danger to their lives, is taken up as a writ petition.

In response to the notice issued, the Assistant Commissioner of Police, South Sub-Division, (Gajuwaka), Visakhapatnam, the second respondent herein filed an affidavit stating that on the complaint made by one V.Murali Varma, Employee of Gangavaram Port Limited, a case

in Crime No.3 of 2007 for the offences under Sections 447, 341, 188 r/w. Section 34 IPC has been registered on the file of New Port Police Station against some of the members of Ikyavedika of Dibbapalem Village. Similarly, a case in Crime No.4 of 2007 for the offences under Sections 147, 148, 307, 447, 188 r/w. 149 IPC has been registered on 7.12.2007 on the complaint made by one P.A.V.S.N. Raju of Gangavaram Port and in connection with that crime, 32 male members and 9 female members of Ikyavedhika are arrested. Subsequently, on 8.12.2007, they were produced before the III Additional Chief Metropolitan Magistrate, Gajuwaka for their remand. On such production, the learned Magistrate, remanded them to judicial custody and accordingly, they are lodged at Central Prison, Visakhapatnam. It is stated that, the Sub-Inspector of Police, New Port Police Station, Visakhapatnam registered another case in Crime No.5 of 2007 for the offence under Section 151 Cr.P.C. on 7.12.2007 itself against 140 members including 55 male and 85 female members of Ikyavedhika of Dibbapalem Village, but however, they were enlarged on bail on the same day.

Having regard to the fact that three crimes are registered against various members of Ikyavedhika of Dibbapalem Village and in connection with that crimes, some of the members were arrested and remanded to judicial custody and some of them were already enlarged on bail, the telegram sent by the petitioner alleging illegal detention of the members of Ikyavedhika of Dibbapalem Village, cannot be countenanced.

The writ petition is accordingly dismissed. No costs.

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A. GOPAL REDDY, J.

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26th DECEMBER, 2007 G. BHAVANI

PRASAD, J.

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